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APPELLANT PRO SE:

**VICTOR A. SALAZAR**  
Pendleton, Indiana

ATTORNEYS FOR APPELLEE:

**STEVE CARTER**  
Attorney General of Indiana

**ZACHARY J. STOCK**  
Deputy Attorney General  
Indianapolis, Indiana

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**IN THE  
COURT OF APPEALS OF INDIANA**

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VICTOR A. SALAZAR,  
  
Appellant-Defendant,

vs.

STATE OF INDIANA,  
  
Appellee-Plaintiff.

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No. 79A02-0611-CR-1045

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APPEAL FROM THE TIPPECANOE CIRCUIT COURT  
The Honorable Donald L. Daniels, Judge  
Cause Nos. 79C01-0112-CF-32 and 79C01-0206-CF-12

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**October 18, 2007**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**RILEY, Judge**

## STATEMENT OF THE CASE

Appellant-Defendant, Victor A. Salazar (Salazar), appeals the trial court's determination that his former attorneys had complied with its Order to produce Salazar's client files.

We dismiss due to lack of jurisdiction.

## ISSUE

Salazar requests that we review one issue: Whether the trial court erred when it determined that his former attorneys had complied with its order to produce Salazar's client files.

## FACTS AND PROCEDURAL HISTORY

On January 27, 2005, Salazar filed a Petition for Permission to File Belated Notice of Appeal. On March 31, 2005, the trial court denied that petition. On September 6, 2006, Salazar filed a Motion to Compel Attorneys to Produce Client's file under both the cause numbers of his underlying criminal conviction and the action seeking permission to file a belated notice of appeal. Additionally, on September 6, 2006, Salazar requested a hearing by separate motion. On September 8, 2006 the trial court granted Salazar's motion and ordered his former attorneys to produce his files. On September 22, 2006 the trial court held a hearing on the status of Salazar's request. Thomas O'Brien (O'Brien), one of Salazar's prior attorneys, testified at the hearing that his office had twice provided Salazar with a copy of his file. Thereafter, the trial court found that O'Brien had complied with Salazar's request. On October 6, 2006, the trial court made an entry stating that it had interviewed Amy L.

Hutchison (Hutchison), another attorney who had represented Salazar, and determined that she had produced to Salazar all materials in her possession.

Salazar now appeals.

### DISCUSSION AND DECISION

Salazar argues that the trial court abused its discretion when it found that O'Brien and Hutchison had complied with the trial court's order that they produce Salazar's client file. However, we find the determination of the trial court that Salazar's attorneys had complied by producing Salazar's file without an express entry directing judgment pursuant to Ind. Trial Rule 54(B) is not a final judgment. *See* Ind. Appellate Rule 2(H); *Johnson v. State*, 756 N.E.2d 965, 966 (Ind. Ct. App. 2001). Nor is the determination an interlocutory order appealable as a matter of right. *See* App. R. 14(A); *Johnson*, 756 N.E.2d at 966. Therefore, we conclude that we do not have jurisdiction to review the trial court's determination that Salazar's former attorneys had complied with the order to produce Salazar's files.

### CONCLUSION

For the foregoing reasons, we conclude that we do not have jurisdiction to review the trial court's determination.

Dismissed.

SHARPNACK, J., and FRIEDLANDER, J., concur.